

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER LEE TYREE,

Plaintiff,

v.

Case No. 23-10168

HOWARD, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER

ADOPTING REPORT AND RECOMMENDATION (ECF NO. 41)
AND DENYING PLAINTIFF'S PREMATURE
SUMMARY JUDGMENT MOTION WITHOUT PREJUDICE

Plaintiff filed this *pro se* civil rights action, pursuant to 42 U.S.C. § 1983, against Defendants on January 23, 2023. This matter was referred to Magistrate Judge Kimberly G. Altman for all pretrial proceedings.

In a Report and Recommendation (“R&R”) issued on February 12, 2024, Magistrate Judge Altman recommends that Plaintiff’s motion for summary judgment be denied without prejudice as premature. (ECF No. 41).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a magistrate judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. The district judge to whom the case is assigned reviews those objections, and any response to the objections from the opposing party. “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

The time permitted for the parties to file objections to that Report and Recommendation has passed and no objections were filed.

Accordingly, the Court **ADOPTS** the February 12, 2024 Report and Recommendation and **ORDERS** that Plaintiff's summary judgment motion (ECF No. 31) is **DENIED WITHOUT PREJUDICE** as premature.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: March 8, 2024